

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Page #2

Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems and, more importantly, a hazard to the safety of residents, building employees and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights.

Thank you for your attention.

Very truly yours,

CLOVER FINANCIAL CORPORATION

Donald N. Love
President

DNL/d



April 10, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

APR 22 1996

FCC FILE COPY ORIGINAL

Re: Preemption of Local Zoning Regulation of Satellite Earth Stations, IB Docket No. 95-59

Dear Mr. Caton:

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter (the "FNPRM"). We enclose six (6) copies of this letter, in addition to this original.

Our company is in the residential real estate business. We own and manage approximately 3000 apartment units in North Carolina.

We are concerned that the proposed rule prohibiting enforcement of nongovernmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

First, the FNPRM incorrectly states that "nongovernmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial -- the appearance of a building directly affects its marketability. Most people prefer to live in attractive communities, and the sight of hundreds of satellite antennas bolted to the outside walls and railings of apartment units would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems and -- more importantly -- a hazard to the safety of residents, building employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

R. Gordon Grubb
President

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List ABCDE

15 EAST CENTER STREET
PO BOX 1420
LEXINGTON, NC 27292
704-249-2194
FAX 704-246-6230

4011 WEST CHASE BOULEVARD
SUITE 120
RALEIGH, NC 27606
919-828-5532
FAX 919-828-1070

STERLING PARK
2100 REXFORD ROAD
CHARLOTTE, NC 28211
704-366-3741
FAX 704-366-6177

RECEIVED
APR 22 1996
FEDERAL COMMUNICATIONS COMMISSION

Sycamore Mews Association

P.O. Box 4350
Glen Allen, VA 23058-4350
(804) 270-1800

April 10, 1996

Office of the Secretary
Federal Communications Commission
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Telecommunications Act of 1996


Dear Representative:

Sycamore Mews Association is a condominium association in Chesterfield County that is made up of 79 condominiums. The Sycamore Mews Board of Directors has asked me, as managing agent for Sycamore Mews Association, to write to you regarding the recent passing of the Telecommunications Act of 1996.

Within the Act, is a provision related to "Over-The-Air Reception Devices." The proposed addition of paragraph (f) to section 25.104 clearly usurps the Association's ability to control installation of satellite dishes or antennas less than one meter in diameter, which in turn affects the community with regard to location, placement and aesthetics of such installation. If random installation of satellite dishes or antennas under one meter in diameter are left unregulated by the Association's governing documents, the negative impact on property values could be realized by every homeowner within any given association.

We respectfully request that the FCC revise the proposed ruling to allow some degree of control in homeowner associations while at the same time enabling individuals to receive the video programming services intended by Congress.

Sincerely,



Tracy Jolliffe
Account Manager, Sycamore Mews Association

cc: Janet Porterfield, President, Board of Directors

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Coordinating
Council of
Cooperatives
465 Grand Street
New York, NY 10002



Council of
New York
Cooperatives
2112 Broadway, #202
New York, NY 10023



Federation of
New York
Housing Cooperatives
138-10 Franklin Avenue
Flushing, NY 11355

APR 22 1996

April 12, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: **Satellite Earth Stations**
IB Docket No. 95-59

Dear Mr. Caton:

The Council of New York Cooperatives, the Coordinating Council of Cooperatives and the Federation of New York Housing Cooperatives are membership organizations providing information and services to the vast majority of approximately 8000 housing cooperatives, condominiums and homeowners associations that are the homes of some 500,000 New York families.

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996 regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter.

We are concerned that the proposed rules prohibiting enforcement of nongovernmental restrictions will adversely affect the ability of housing cooperatives, condominiums and homeowners associations to set rules for their own communities. Our members are run by boards of directors committed to preserving the structural soundness of buildings, protecting the comfort and safety of all residents. In usurping the board's right to regulate the use and placement of satellite equipment in public areas of these entities, the government is harmful to our members.

0

2803 NOBLE FIR COURT
WOODBIDGE, VIRGINIA 22192

7-1095-89
RECEIVED

APR 22 1996

DOCKET FILE COPY ORIGINAL

FCC MAIL ROOM

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

April 12, 1996

Re: Telecommunications Act of 1996/Satellite Antenna

Dear Sir,

I am writing on behalf of the Twin Oaks Farm Homeowners Association to express our alarm at proposed language relative to the above Act, which we understand may restrict or override the Covenants and Guidelines of this association regarding the installation of satellite antenna under one meter in diameter in our community. I refer specifically to Paragraph 62 of the FCC's Notice of Proposed Rulemaking, paragraph (f) of section 25.104, as follows:

(f) No restrictive covenant, encumbrance, homeowners' association rule, or other nongovernmental restriction shall be enforceable to the extent that it impairs a viewer's ability to receive video programming services over a satellite antenna less than one meter in diameter.

The Covenants and Architectural Guidelines of our Homeowners Association were carefully researched and developed at the time of the establishment of this community in order to provide and maintain an aesthetic harmony within our neighborhoods. They are meticulously enforced in order to maintain the customary high standards of our community.

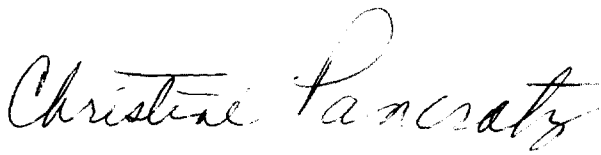
Therefore, we view any possible restrictions that might inhibit our ability to oversee the use of satellite antenna by our residents with great alarm. While not seeking to ban these antenna from our community, we do require that any future legislation allow us the freedom to designate where such antenna may be located, while not impairing a viewer's ability to receive video programming. It is unconscionable that our Architectural Guidelines not be allowed to reflect this measure of control concerning satellite antenna location and that the many years and considerable effort spent in nurturing the growth of Twin Oaks Farm be jeopardized in this manner.

Enclosures rec'd
4/12/96

Office of the Secretary
Federal Communications Commission

We urge you, in the strongest possible terms, not to usurp control from community associations and not to approve the proposed rules regarding nongovernmental restrictive covenants in their present form. The final wording of this rule must give control over all aesthetic aspects of antenna placement to the Homeowners Association as long as viewer's ability to receive video programming is not impaired.

On behalf of the Twin Oaks Farm Homeowners Association,

A handwritten signature in cursive script, reading "Christine Pancratz". The signature is written in dark ink and is positioned above the printed name and title.

CHRISTINE PANCRAZ
President



Apartment Association

April 12, 1996

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APR 22 1996

FCC MAIL ROOM

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: Preemption of Local Zoning Regulation of Satellite Earth Stations,
1B Docket No 95-59

Dear Mr. Caton:

The Apartment Association of San Fernando Valley and Ventura County is a non profit trade association that represents 2,000 owners of rental housing in northern Los Angeles and Ventura Counties. We have been serving independent owners and property management companies since 1964.

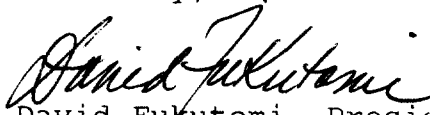
We are totally opposed to any change that would allow residents of apartment communities to install, on balconies or in windows, satellite dishes of one meter or less in diameter without prior approval of the property owner. We must retain the authority to control the use of our property for several reasons:

First, aesthetic considerations are not trivial - the appearance of a building directly affects its marketability. Most people prefer to live in attractive communities, and the sight of hundreds of satellite antennas bolted to the outside walls and railings of apartment units would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems, and, more importantly, a hazard to the safety of residents, building employees and passers-by. Damage to property caused by water seepage into the building interior, corrosion of metal mounts or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,


David Fukutomi, President

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CODE

THE TRAILS

LUXURY APARTMENTS

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April 11, 1996

APR 22 1996

FCC MAIL ROOM

Mr. William F. Canton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Preemption of Local Zoning Regulation of Satellite Earth Stations, 1B docket No. 93-59

Dear Mr. Canton,

The Trails Apartments write in response to the FCC's Report and order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of non governmental restrictions on such antennas that are less than one meter in diameter. The Trails has included (6) six copies of this letter, in addition to this original.

The Trails Apartments is in the residential real estate business. We manage four hundred and forty apartment homes in the South West section of Las Vegas.

The Trails is concerned that the proposed rule prohibiting enforcement of non governmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

First, the FNPRM incorrectly states that "non governmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial. The appearance of a building directly affects its marketability. Most people prefer to live in an attractive community, and the sight of hundreds of satellite antennas bolted to the outside walls and railings of apartment homes would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems and more importantly a hazard to the safety of residents, building employees, and passers by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.


continued

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page 2

In conclusion we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Laura Knutson". The signature is fluid and written in dark ink.

Laura Knutson
Property Manager
The Trails Apartments

LAW OFFICES

KASS & SKALET, P.L.L.C.

SUITE 1100

1050 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036-5596

(202) 659-6500

FAX (202) 293-2608

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APR 22 1996

FCC MAIL ROOM

OF COUNSEL:
NATHANIEL E. BUTLER (DC, IL, CO)

BENNY L. KASS (DC, MD)
STEVEN A. SKALET (DC, MD)
MARK M. MITEK (DC, PA)
STEVEN G. RAIKIN (DC)
BRIAN L. KASS (MD)
LESLIE A. NETTLEFORD (MD)

April 12, 1996

Office of Secretary
FCC
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: IB Docket No. 95-59
Preemption of Local Zoning Regulation
of Satellite Earth Stations, FCC 96-78

Dear Sir/Madam:

I am commenting on the proposed preliminary regulations regarding the restriction of satellite dishes, which state in part:

"... no restrictive covenant, encumbrance, homeowners' association rule, or other nongovernmental restriction shall be enforceable to the extent that it impairs a viewer's ability to receive video programming services over a satellite antenna less than one meter in diameter."

Our firm represents many community associations, including condominiums, cooperatives and homeowner's associations. As community association and real estate practitioners, we are concerned with both the scope and ambiguity of the preliminary regulation.

Presumably, many rural and suburban homeowner's associations have restrictive covenants prohibiting satellite dishes which were adopted when satellite dishes were eight or ten feet in diameter. Those same single family homeowner developments, and the constituent owners, probably would not have intended to prohibit an eighteen inch dish, as is currently in use. For those associations, the preliminary regulations may have the beneficial effect of achieving the overall intention of the developer and the homeowners, without requiring technical amendments to the covenants.

However, there are also many highrise or urban community associations which will be affected by the preliminary regulations. Some are townhouse projects, other are urban homeowner's associations, yet others are condominiums and cooperatives.

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KASS & SKALET, P.L.L.C.

Office of Secretary, FCC
April 12, 1996
Page 2

Generally, these projects include architectural control covenants, which were enacted in order to protect and preserve the property values and aesthetics of the project. In most cases, the covenants in question do not specifically prohibit satellites -- they are more in the nature of covenants requiring general approval for any exterior changes or additions at the project.

Cooperative Housing is differently structured. The Cooperative corporation owns the entire build and allows shareholders to occupy specific units. Since the corporation owns the building, there is no need for covenants. The Cooperative regulates exterior changes and additions through its bylaws, rules and regulations, and the decisions of the Board of Directors and committees.

To my mind, there are two drafting deficiencies in the above-cited language. The first is the reference to "other nongovernmental restrictions" and the second is to the phrase "to the extent that it **impairs** a viewer's ability to receive video programming."

The first clause would include all types of restrictions, presumably even an apartment owner prohibiting tenants from installing an antenna. Is it truly the FCC's intention to permit every tenant in an apartment to place an up to one meter satellite antenna on the exterior of the building? The same problem arises with regard to highrise or high density projects. Is it really the FCC's intention to prohibit a highrise condominium, cooperative or townhouse project from determining its own architectural restrictions? For example, with respect to regular television antennas, many community associations limit their placement. In some townhouse projects they must be installed in the attics. This is done to preserve the common values of the community. Television is available by cable, or an attic antenna, or rabbit ears. Would this type of limitation be deemed an "impairment"?

Equally important are the practical problems. If an apartment faces north, must a "viewer" be permitted to place satellite dishes on other portions of the property in order to receive a signal from a south-facing satellite? Over time, as more and more satellites are deployed, will each unit owner have the right to install multiple satellite antennas pointing in each direction in order to receive video programming?

KASS & SKALET, P.L.L.C.

Office of Secretary, FCC
April 12, 1996
Page 3

The question of "impairing" a viewer's ability to view video programming is also entirely too vague and confusing. It seems logical that if a common satellite feed or cable TV is available, a "viewer's" ability to receive programming has been adequately met. But, suppose the viewer wishes to receive a specific programming service not available under the common feed? Would the community association be required to permit every such viewer to install one or more satellite dishes in order to receive supplemental programming? If the best reception would be achieved by placing an antenna next to a townhouse's front door, would the condominium "impair" the viewer's ability to receive the video program if it required placement of the antenna in a less conspicuous location? Could a townhouse owner demand to place a one meter satellite dishes next to his or her front door, without regard to the covenants and architectural controls pertaining to the community? Could every owner or tenant in a highrise condominium or cooperative project demand the right to affix an antenna outside their window?

It seems to me that the proposed rule is overreaching. It should be limited to single family detached homes or properties where cable or other common satellite feed video programming is not available.

With regard to impairment, it should be made clear that the rule does not override valid architectural restrictions governing community association projects, so long as the viewer can receive video programming through cable, or a joint satellite feed, and that reasonable regulation as to placement and installation are permitted.

I suggest that the word "impairs" be replaced by "precludes." This would eliminate much of the grey area as to what "impairs" and would protect a viewer against restrictions which preclude his ability to receive video programming, while at the same time protecting and preserving the rights of community associations and owners of other multi-family properties to regulate external satellite dishes when other suitable means to receive video programming services exist.

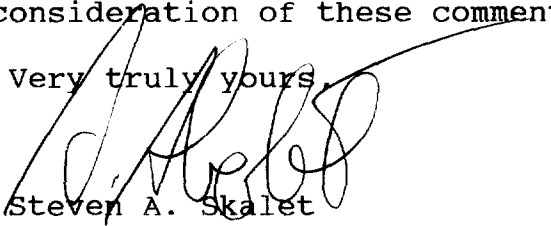
LAW OFFICES

KASS & SKALET, P.L.L.C.

Office of Secretary, FCC
April 12, 1996
Page 4

Thank you for your consideration of these comments.

Very truly yours,



Steven A. Skalet

cc: Community Association Institute, Public Affairs Department

SAS00\CAI\FCC.L01

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APR 22 1996

FCC MAIL ROOM

Pemberton Homeowners Association

P.O. Box 4350

Glen Allen, VA 23058-4350

(804) 270-1800

April 5, 1996

DOCKET FILE COPY ORIGINAL

Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Re: Telecommunications Act of 1996

Dear Representative:

Pemberton Homeowners Association is a townhome association in Henrico County that is made up of 81 townhomes. The Pemberton Square Board of Directors has asked me, as managing agent for Pemberton Homeowners Association, to write to you regarding the recent passing of the Telecommunications Act of 1996.

Within the Act, is a provision related to "Over-The-Air Reception Devices." The proposed addition of paragraph (f) to section 25.104 clearly usurps the Association's ability to control installation of satellite dishes or antennas less than one meter in diameter, which in turn affects the community with regard to location, placement and aesthetics of such installation. If random installation of satellite dishes or antennas under one meter in diameter are left unregulated by the Association's governing documents, the negative impact on property values could be realized by every homeowner within any given association.

We respectfully request that the FCC revise the proposed ruling to allow some degree of control in homeowner associations while at the same time enabling individuals to receive the video programming services intended by Congress.

Sincerely,



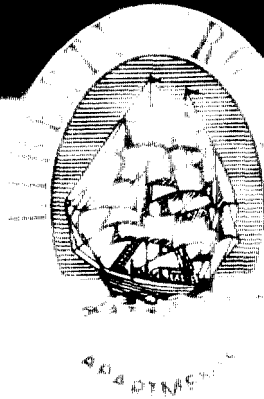
Tracy Jolliffe

Account Manager, Pemberton Homeowners Association

cc: Patrick Paul, President, Board of Directors

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APR 22 1996

FCC MAIL ROOM

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: Preemption of Local Zoning Regulation of Satellite Earth Stations IB Docket No. 95-39

Dear Mr. Caton:

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter (the "FNPRM"). We enclose six (6) copies of this letter, in addition to this original.

Liberty Crossing Apartments is a residential development of nearly six hundred residential rental units in Baltimore County, Maryland.

We are concerned that the proposed rule prohibiting enforcement of nongovernmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

First, the FNPRM incorrectly states that "nongovernmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial -- the appearance of a building directly affects its marketability. Most people prefer to live in attractive communities, and the sight of hundreds of satellite antennas bolted to the outside walls and railings of apartment units would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems and -- more importantly -- a hazard to the safety of residents, building employees, and passers-by. damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

Christopher Devlin
Property Manager

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0



WOODLAKE COMMUNITY ASSOCIATION

14900 Lake Bluff Parkway • Midlothian, VA 23112

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April 4, 1996

APR 22 1996

FEDERAL ROOM

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Dear Sirs:

The Woodlake Community Association, Inc. wishes to express its concern about the wording of the proposed addition of paragraph (f) to section 25.104 of the rules relating to the Telecommunications Act of 1996.

This large scale homeowner's association formally changed its restrictive covenants in 1995 to permit the use of small satellite dishes on residential properties. We are committed to providing the opportunities of this new technology for our property owners.

We, like any homeowner's association, are also committed to preserving the highest possible property values of those who invest in this community. This is accomplished by adherence to recorded covenants, conditions and restrictions, and architectural guidelines governing uses and maintenance of all properties, to which property owners agree upon purchase. The majority of home buyers purchase their home here **because** of the protection of property values provided by the covenants, and **expect** the association to enforce them. To deny homeowner associations all avenues of aesthetic control will result in a detrimental effect on basic property values.

We believe that the intent of the Act, i.e. to permit access to video programming services, can be met while also enabling associations to regulate their placement and appearance. We strongly urge the FCC to redraft the rule (f) to preserve some degree of aesthetic control by homeowner associations while still allowing individuals to receive programming. We believe that in the long run this will provide the greatest benefit for the greatest number of citizens.

Sincerely,

Eugene S. Grecheck
President
Woodlake Community Association



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APR 22 1996

FCC MAIL ROOM



April 2, 1996

DOCKET FILE COPY ORIGINAL

Office of Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: PROPOSED RULE ON VIDEO ANTENNAS ON CONDOMINIUMS

Your proposed rule to override condominium restrictions to allow any owner to install a video antenna on the outside of his/her unit is ill-advised.

The basic premise of the proposed rule is flawed, i.e., that aesthetic considerations are not very important. If your assumptions in this regard were valid, we wouldn't need architects, designers and zoning rules; capitalism must be wrong; and democracy must be wrong; ergo, what we need is a bigger and stronger FCC to tell us how to live our lives.

Condominium documents, including restrictions, are contractual agreements forming the basis of residents' largest investment in their lifetime, i.e., the purchase of a home of choice. If aesthetics of our homes is not important, then why did we pay premium prices for quality; we can all live in pig-pens.

If your hidden agenda is to insure that President Clinton is not re-elected, then your proposed video antenna rule is a superior, well-thought-out piece of Washington staff work.

Don't make the Clinton administration look worse than it already does!

Sincerely,

Bruce Howe
Management Executive

cc: Senator Daniel K. Inouye
Senator Daniel K. Akaka
Representative Patsy T. Mink
Representative Neil Abercrombie

BH:co

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List: 4/20/96

Quality Property Management Since 1964

1270 Ala Moana Blvd. Honolulu, Hawaii 96814 Telephone: (808) 593-9100 Fax: (808) 593-8994

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VISTA APARTMENTS

April 11, 1996

DOCKET FILE COPY ORIGINAL

Mr. William F. Canton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Preemption of Local Zoning Regulation of Satellite Earth Stations, 1B docket No. 95-59

Dear Mr. Canton,

Newport Cove Apartments write in response to the FCC's Report and order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of non governmental restrictions on such antennas that are less than one meter in diameter. Newport Cove Apartments has included (6) six copies of this letter, in addition to this original.

Newport Cove Apartments is in the residential real estate business. We manage one hundred and forty apartment homes in the East section of Las Vegas.

Newport Cove Apartments is concerned that the proposed rule prohibiting enforcement of non governmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

First, the FNPRM incorrectly states that "non governmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial. The appearance of a building directly affects its marketability. Most people prefer to live in an attractive community, and the sight of hundreds of satellite antennas bolted to the outside walls and railings of apartment homes would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems and more importantly a hazard to the safety of residents, building employees, and passers by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

1212 B Bass Road, Las Vegas, Nevada 89014

(702) 435-0291 FAX (702) 435-4302

EQUITY

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APR 22 1996



VISTA APARTMENTS

page 2

In conclusion we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stacey Altavilla", is written over the typed name.

Stacey Altavilla
Property Manager
Newport Cove Apartments

1212 B Bass Drive, Las Vegas, Nevada 89014

702-435-0203 FAX 702-435-4302

EQUITY
RESIDENTIAL SERVICES

ZINK PARTNERS

INCORPORATED

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APR 22 1996

FCC MAIL ROOM

April 9, 1996

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, NW, Room 222
Washington, DC 20554

**Re: Preemption of Local Zoning Regulation of
Satellite Earth Stations, 1B Docket No. 95-59**

Dear Mr. Caton:

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to profit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter (The "FNPRM"). We enclose six (6) copies of this letter, in addition to this original.

Zink Partners is in the residential real estate business. We manage apartment properties on behalf of institutional property owners.

We are concerned that the proposed rule prohibiting enforcement of nongovernmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

First, the FNPRM incorrectly states that "nongovernmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial--the appearance of a building directly affects its marketability. Most people prefer to live in attractive communities, and the sight of hundreds of satellite antennas bolted to the outside walls and railings of apartment units would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems and--more importantly--a hazard to the safety of residents, building

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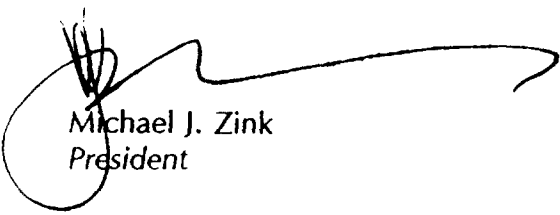
Mr. William F. Caton
April 9, 1996
Page Two

employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely yours,



Michael J. Zink
President

MJZ:gat

Koger Management Group

3554 Chain Bridge Road, Suite 400, Fairfax, Virginia 22030-2709

(703) 591-2414

APR 22 1996
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April 16, 1996

Office of the Secretary
Federal Communications Commission
Washington, DC 20544

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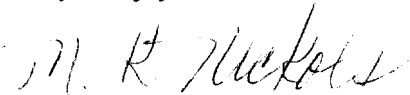
RE: IB Docket No. 95-59
Preemption of Local Zoning Regulation
of Satellite Earth Stations, FCC 96078

Dear Sir or Madam:

The Seasons Condominium located in Alexandria, Virginia was and is very interested in filing a timely objection to the above referenced proposed FCC regulation. However, the Board of Directors was not informed of the April 15, 1996 deadline until late in the day of April 11th.

This letter is to inform you that the Seasons Board of Directors will be filing their objection to that proposed ruling no later than May 1, 1996.

Very truly yours,



Melinda K. Nickols
Association Manager
The Seasons Condominium
401 N. Armistead Street, Suite T-1
Alexandria, VA 22312

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APARTMENTS

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

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Re: Preemption of Local Zoning Regulation of Satellite Earth Stations, IB Docket No. 95-59

Dear Mr. Caton:

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter (the "FNPRM"). We enclose six (6) copies of this letter, in addition to this original.

Park West is in the residential real estate business. We are a 444 unit apartment community. We are concerned that the proposed rule prohibiting enforcement of nongovernmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the commission has the authority to require us to allow the physical invasion of our property. We must remain the authority to control the use of our property, for several reasons.

First, the FNPRM incorrectly states that "nongovernmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial - the appearance of a building directly affects its marketability. Most people prefer to live in attractive communities, and the site of hundreds of satellite antennas bolted to the outside walls and railings of apartment units would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems and - more importantly - a hazard to the safety of residents, building employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas thus limiting access.

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights.

Thankyou for your attention to our concerns.

Sincerely,



Debra L. Fixen
Property Manager

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6401 Golden Triangle Drive · Suite 200 · Greenbelt, Maryland 20770-3203 · Phone: 301-220-0100 · Fax: 301-220-3738

April 9, 1996

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

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We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter (the "FNPRM"). We enclose six (6) copies of this letter, in addition to this original.

Bozzuto Management Company is in the residential real estate business. We are a Maryland based company that manages approximately 6,000 apartment units scattered throughout this region.

We are concerned that the proposed rule prohibiting endorsement of nongovernmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

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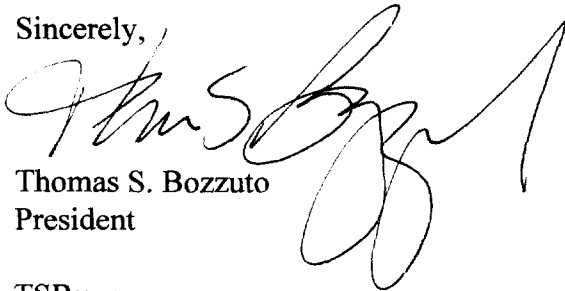
Mr. William F. Caton

Page Two

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In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas S. Bozzuto', with a large, stylized flourish extending from the end of the signature.

Thomas S. Bozzuto
President

TSB:mo